

MAIL STOP APPEAL BRIEF-PATENTS
PATENT
0512-1577

**IN THE U.S. PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Damien MANDY

Conf. 5475

Application No. 10/537,714

Group 2443

Filed October 19, 2005

Examiner George NEURAUTER

PARKING METER

REPLY BRIEF

MAY IT PLEASE YOUR HONORS:

This is a reply to the Examiner's Answer mailed July
19, 2010.

STATUS OF CLAIMS

Claims 1-9 are pending and the present appeal is taken from the final rejection of each of these claims.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The remaining ground for review on appeal is whether claims 1-9 are anticipated under 35 USC §102(e) by BAHAR (U.S. Patent 7,019,670).

The rejection under 35 USC §112 has been withdrawn per the Examiner's Answer, which is noted with appreciation by the appellant.

ARGUMENT

The present invention pertains to a parking meter with a communications router and remote terminal, such as is exemplarily illustrated in Figure 1 of the application, reproduced below.

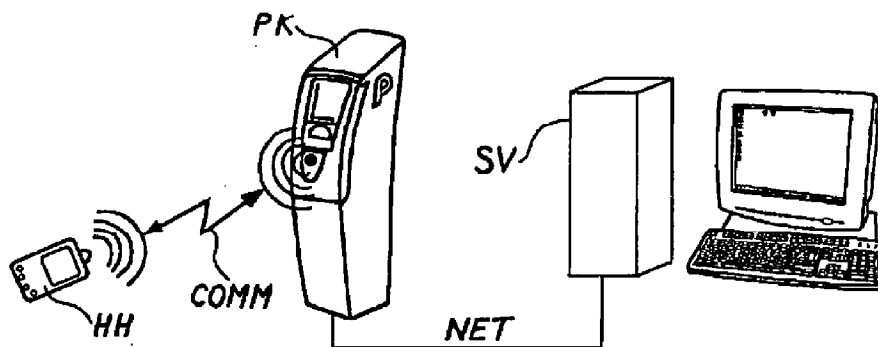


Fig. 1

As has been noted, BAHAR does not disclose or suggest the following features of claim 1:

1) "a communication router adapted to **receive information from the remote terminal** via said short range communication channel so as **to route said received information from the remote terminal to the remote server** via said predetermined communication network," and

2) the communication router "**receive[s] information from the remote server** via said predetermined communication network and **to route information received from said remote server to said remote terminal** via said communication channel."

(Emphases added).

BAHAR utilizes a transmitter/receiver 33 (In Figure 2, reproduced below), a remote terminal 38 (In Figure 3, reproduced below) and a remote server 39 (In Figure 4, reproduced below).

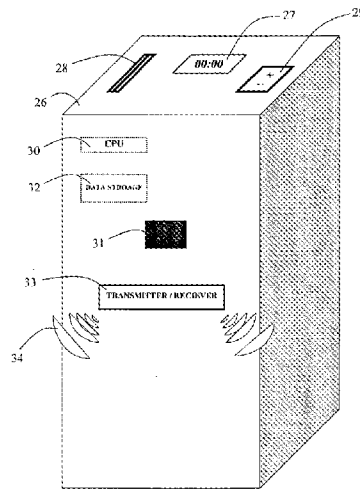


FIG. 2

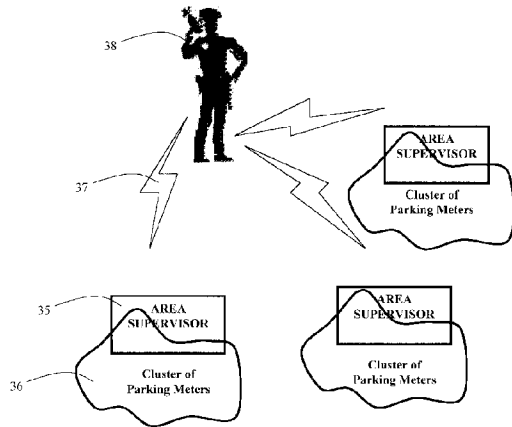


FIG. 3

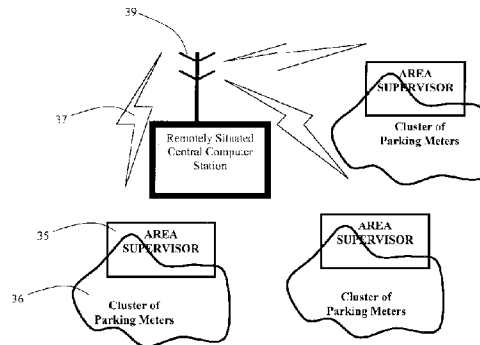


FIG. 4

BAHAR does not disclose a direct transmission of information between the remote terminal 38 and the remote server 39, but only discloses a parking meter 26 having a data transceiver 33 which includes a transmitting medium and a receiving medium (column 8, lines 65 to 67 and column 9, lines 49-50) adapted to **transmit** information to the remote terminal 38 or remote server 39 **on one hand**, and adapted to receive

information from the remote terminal 38 or the remote server 39 **on the other hand.**

In contrast, the parking meter according to claim 1 of the present invention includes a **communication router** adapted to receive information from the remote terminal so as to **route** the received information to the remote server, and to receive from the remote server and to **route** information received to the remote terminal, so that a **direct transmission** of information is provided between the remote terminal and the remote server **through the communication router** of the parking meter.

In other words, the simple data transceiver 33 of the parking meter 26 of BAHAR may be viewed as matching the communication module and the short-range communication module of the claimed parking meter. Therefore, the claimed parking meter includes **a transceiver (communications module + short-range communication module) and a communication router** (see also page 4, lines 19-33 of the specification), whereas the parking meter disclosed in BAHAR **only has a data transceiver 33.**

At pages 7 and 8 the Examiner's Answer asserts:

The Applicant has argued that Bahar fails to expressly disclose a "router" based on the plain meaning of the word router.

However, the specification discloses:

"The parking 35 meter receives the information emanating from the server 6 via the communication network and relays (routes) it to the terminal via the radio channel." (see page 5, lines 34-35 and page 6, lines 1-2)

In view of this disclosure within the specification, the "plain meaning" of the word "router" does not control. Rather, the broadest reasonable interpretation of the limitation consistent with the specification as required by MPEP 2111 must be given. Therefore, "routing" may also be interpreted as "relaying".

However, it is the appellant's position that this is a disclosure of alternative embodiments - a router is not necessarily a relay - and the appellant is entitled to claim the present invention that is outside of the scope of the prior art.

That is, a relay may be defined as an electrically operated switch (see, e.g., <http://en.wikipedia.org/wiki/Relay>). A person of skill in the art knows that a relay is merely an electrically operated on-off switch. On the other hand, a router may be defined as an electronic device that interconnects two or more computer networks, and selectively interchanges packets of data between them (see, e.g., <http://en.wikipedia.org/wiki/Router>). These terms are clearly not interchangeable.

As a result even the "*plain meaning*" test set forth in MPEP 2111.01 (see, e.g., *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d, 1320, 1322 (Fed. Cir. 1999)) it is clear that the two alternative concepts of "*relaying*" and "*routing*" are different. The simple data transceiver 33 of BAHAR matches the simple concept of "*relaying*," but the communication router of the present invention reflects the more sophisticated functionality of routing known to those of skill in the art.

Conclusion

It is believed that the foregoing discussion underscores the impropriety of the remaining rejection on appeal and supports the showing made in Appellant's main brief that those rejections should be reversed. Such action is accordingly respectfully requested.

Respectfully submitted,

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September 20, 2010

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